

City of New Brunswick  
Executive Order 2021-10

WHEREAS, during 2020 the City of New Brunswick made certain efforts to alleviate the burdens faced by its businesses due to the COVID-19 pandemic; and

WHEREAS, the City enabled a wide variety of forms of outdoor dining to maintain safe, and socially distanced dining; and

WHEREAS, the forms of outdoor dining, particularly those on George Street has proven successful; and

WHEREAS, City Market has requested a continuation of the outdoor dining on George Street; and

WHEREAS, the City shall monitor the conditions on George Street to ensure safety of patrons and fairness to the businesses not directly participating in the street closure;

NOW, THEREFORE, I, JAMES M. CAHILL, Mayor of the City of New Brunswick in the County of Middlesex in the State of New Jersey, by virtue of the authority vested in me by the Constitution and Statutes of this State, do hereby establish the following guidelines:


1. Unless otherwise altered herein, the regulations, conditions, and standards expressed in Executive Orders 2020-13, 2021-04, 2021-05, 2021-06, 2021-07, 2021-08, and 2021-09 continue to be extended through Tuesday, January 4, 2022, at 4:00 p.m.
2. Operation of business within the George Street closure area shall be as follows:  

Sundays through Wednesdays:	From 9:00 a.m. until 10:00 p.m.
Thursdays through Saturdays:	From 9:00 a.m. until Midnight (12:00 a.m.)
3. Outdoor dining on George Street is a public benefit on public property. As such, any restaurant or tavern who has frontage on George Street and has interest in operating on the street may submit a table layout to the City Clerk for permission to operate in the street. In order to accommodate these dining spaces, establishments may be required to downsize their footprint to fit these requests.
4. Dining diagrams reflecting floor plans are to be re-submitted by October 1, 2021 to the Office of the City Clerk. There is no cost for this submission, but it is required for operating outdoor dining.
5. Any changes to the dining diagram must be submitted to the Office of the City Clerk before taking effect.
6. Effective Noon on Thursday, September 9, 2021, all tents and canopies on George Street are to be removed. Restaurants and Taverns may utilize umbrellas.
7. Any use of propane devices shall continue to require inspection by the Division of Fire Safety, the fees for which shall be at the expense of the establishment choosing to use said propane powered equipment. The only permitted propane powered devices shall be stand heaters.
8. Restaurants and taverns using metered parking spaces in residential districts must comply with the hours of operation allowed in residential districts:  

Sundays through Wednesdays:	From 11:00 a.m. until 8:00 p.m.
Thursdays through Saturdays:	From 10:00 a.m. until 9:00 p.m.
9. All restaurants and taverns using City parking spaces must get additional permission from the New Brunswick Parking Authority and must follow any and all additional requirements as determined by the New Brunswick Parking Authority.
10. Any and all non-battery powered electric devices must be plugged into a GFCI-outlet.
11. Any blockage of an exterior door or Fire Department Connection (FDC) will be met with a penalty from the City's Fire Department in the amount of five hundred (\$500.00) dollars per offense.
12. All entry and exit ways on the exterior of a building must be unobstructed with no items or equipment within five (5) feet of either side of the entry or exit way.
13. A restaurant may use up to 60% of its parking spaces to provide socially distanced outdoor seating.
  - a. Handicap parking spaces may be used for purposes of calculating the number of spaces allowable under this Executive Order.
    - i. For example: If a parking lot has ten (10) spaces and one (1) of the 10 is a handicap space. Then the calculation shall be for 60% of 10 space (six (6) spaces in this case) and the handicap space and its access aisle(s) shall remain unobstructed.
  - b. Handicap parking spaces may not be blocked or used for this purpose.
  - c. The applicant will submit a zoning permit for temporary use permit and the fee will be waived.
14. All businesses must comply with the standards of the City's Noise Ordinance set forth in Chapter 8.28 - Noise Control, of the City's Municipal Code.
  - a. Requests for a waiver of City's Noise Ordinance may be submitted to the Office of the City Clerk and will be reviewed and issued on a case-by-case basis.

15. Restaurants and taverns in a non-residential zone may have outdoor live music until 10:00 p.m. or close of business whichever is earlier in the day, provided it does not create a nuisance condition which shall be determined by the New Brunswick Police Department pursuant to City ordinance.
16. Restaurants and taverns in a residential zone may have outdoor non-live music until 9:00 p.m. or the close of business, whichever is earlier, provided it does not exceed the standards of the City's Noise Ordinance which shall be determined by the New Brunswick Police Department pursuant to City ordinance.
  - a. Additionally, all forms of outdoor live music are prohibited by restaurants and taverns in residential zones.
17. Disk jockeys and other musical entertainers shall be considered live music and said determination shall be left to the interpretation of this Executive Order and any other controlling Statutes, Ordinances, or Orders by the New Brunswick Police Department.
18. Maximum occupancy for outdoor dining shall be equal to the number of seats at the location as demonstrated per the outdoor dining sketch submitted to the Office of the City Clerk.
19. On Friday, December 31, 2021 restaurants and taverns in non-residential zones shall be allowed to operate outdoor dining until 1:00 a.m. January 1, 2021.
  - a. On the above date music shall be permitted in such zones until 12:30 a.m. on January 1, 2022.
20. Failure to adhere to any of the terms or provisions of this Executive Order, Governor's Executive Orders, or any statutes, regulations and ordinances may result in the temporary or permanent loss of the privilege extended by this Executive Order, or the approvals granted by the City.
21. Any and all of the above terms and provisions shall be subject to modification, alteration or rescission without notice and at the sole discretion of the City of New Brunswick and its agents.
22. This Executive Order shall take effect on Tuesday, September 7, 2021 at 9:00 a.m.

Given, under my hand and seal this 19<sup>th</sup> day of August, Two Thousand and Twenty-One.

  
James M. Cahill  
Mayor

Attest:

  
T.K. Shanty, Esq.  
City Attorney